

Research Report:

# Sustainable Procurement, Social Value and the Third Sector in Scotland

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Survey of Public Sector Commissioners and  
Procurement Professionals

April 2014



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## Section 1

# Introduction

**This report examines the approach by public sector commissioners and procurement staff in Scotland to sustainable procurement, social value, and the development of the Third Sector<sup>1</sup>. It compares the findings with a baseline study produced in 2012<sup>2</sup>.**

### 1.1 About the Study

The baseline study in 2012 and this follow up study in 2014 have been designed to explore the awareness, attitudes, behaviours and aspirations of public sector staff that play a role in purchasing goods and services.

The study has been prepared by the Ready for Business team, a Third Sector-led consortium of organisations<sup>3</sup> delivering the Developing Markets for Third Sector Providers Programme. This Scottish Government programme is supporting the public sector to buy more sustainably and strengthen the role of the Third Sector in delivering public services.

The study focuses on those areas where the Scottish Government's agendas relating to Sustainable Procurement and support for an Enterprising Third

Sector converge. In particular it examines the awareness and use of Community Benefits Clauses (CBCs) in procurement and Public Social Partnerships (PSPs).

### 1.2 Method

The evidence contained in this report is drawn from an online survey of public sector staff with an active interest or role in the area of commissioning or procurement. The survey was designed by Ready for Business in conjunction with Scotland Excel and the Scottish Government.

The survey was conducted between January and March 2014, with an invitation to participate extended to appropriate public sector stakeholders through a variety of channels. This included direct mailing based on contacts

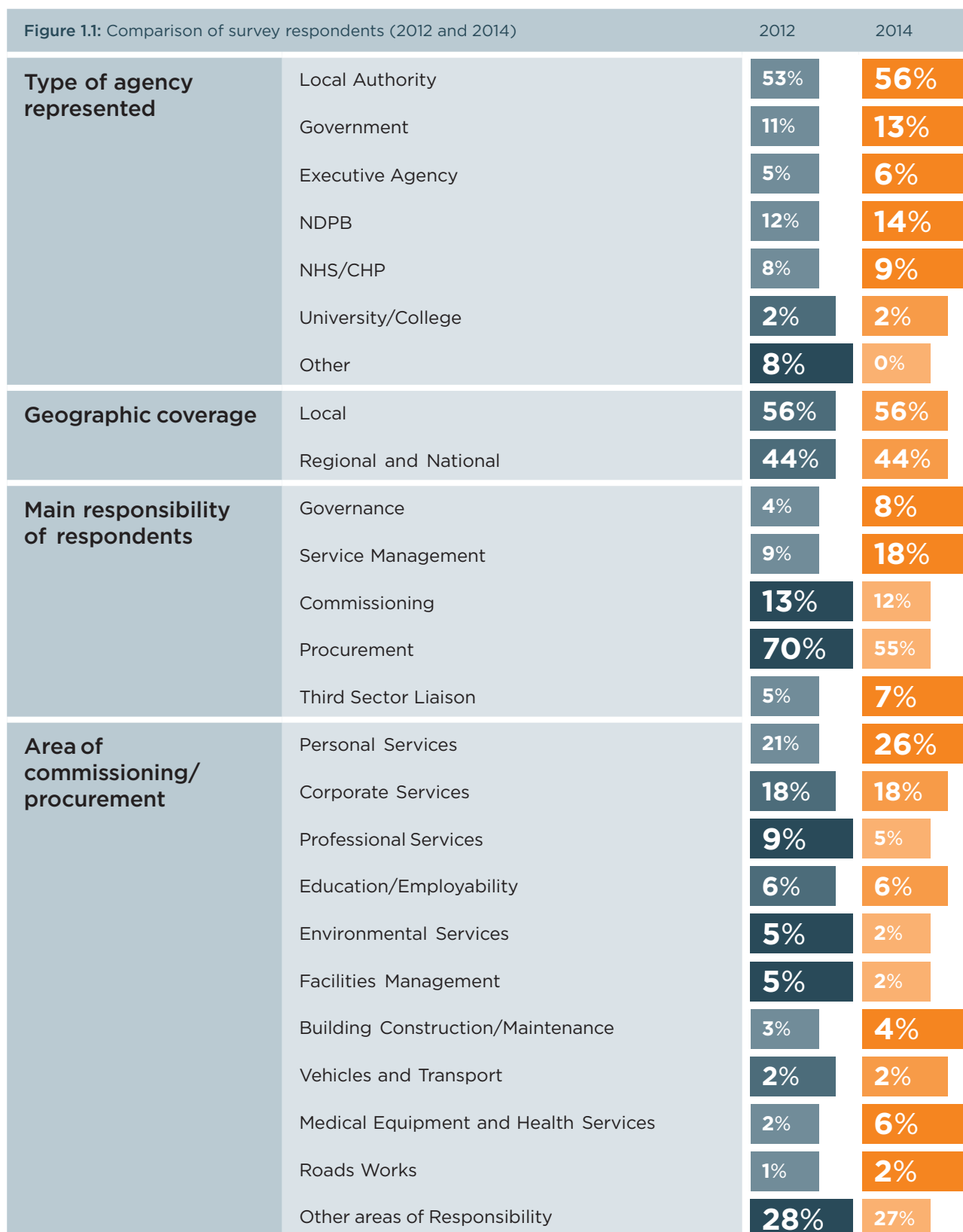
developed through delivery of the Developing Markets programme, an invitation by the Scottish Government and Scotland Excel, an invitation to members of the CBC Champions Group, and to others by way of e-bulletins and direct email correspondence.

In total, 214 public sector staff responded to the survey (an 18% increase on the response to the equivalent 2012 survey). The characteristics of respondents are very similar to those evident in the earlier survey, in terms of organisational profile, geographic coverage, and field of responsibility (although a somewhat wider range of public sector staff responded given the widening responsibilities for service commissioning). The survey yielded responses from every local authority area in Scotland.

<sup>1</sup>'Third Sector' is a term covering the voluntary sector, charities, and social enterprises (including social firms and supported businesses)

<sup>2</sup>Ready for Business, Embedding Social Value through Sustainable Procurement, May 2012

<sup>3</sup>The Ready for Business Consortium includes Ready for Business LLP, KPMG, Social Value Lab, and MacRoberts LLP



## 1.3 Report Structure

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The remainder of the report is structured as follows:

### Section 2

## Procurement Reform, Sustainability and Social Value

This section examines the awareness and approach of Scotland's public sector in relation to public procurement reform, the emphasis on sustainable procurement, and attempts to define and measure the wider social, economic and environmental benefits arising.

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### Section 3

## Involving Third Sector Suppliers

This section examines views on the role of the Third Sector in delivering public contracts and strategies and practices to encourage this.

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### Section 4

## Using Community Benefit Clauses

This section examines the awareness and use of Community Benefit Clauses, a recognised way of defining and securing social value within public contracts.

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### Section 5

## Engaging in Public Social Partnerships

This section examines views and experiences relating to Public Social Partnerships, a practical expression of the ambitions of public service commissioners and purchasers to collaborate with the Third Sector.

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### Section 6

## Conclusions and Next Steps

This section draws out some of the main messages from the survey and describes the support now put in place to address the issues raised.

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## Section 2

# Procurement Reform, Sustainability and Social Value

This section examines the awareness and approach of Scotland’s public sector in relation to the public procurement reform agenda, the emphasis on sustainable procurement, and attempts to define and measure the wider social, economic and environmental benefits arising.

### 2.1 Sustainable Procurement

Sustainability, alongside value for money and quality, should always be considered when procuring goods and services for the public sector. The approach to embedding sustainable procurement into public sector practices was set out by the Scottish Government in the 2009 Sustainable Procurement Action Plan and more recently supported by the roll out of the Marrakech Approach training, tools, and techniques.

The considerations around sustainable procurement are becoming increasingly familiar to the public sector in Scotland. The survey findings indicate that the majority of respondents (72%) now have ‘in-depth’ knowledge of, or are ‘reasonably well informed’ about sustainable procurement and a further one-in-five (19%) have at least ‘a basic understanding’.






Although not directly comparable, only 48% of respondents to the 2012 survey reported ‘in-depth’ knowledge of, or being ‘reasonably well informed’ about requirements under the Sustainable Procurement Action Plan.

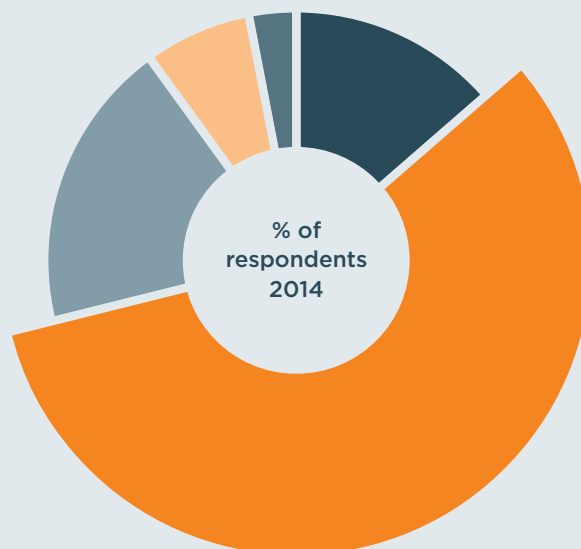
#### Sustainable procurement

“A process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis and generates benefits not only to the organisation, but also to society, the economy and the environment.”

Source: Scottish Sustainable Procurement Action Plan

Figure 2.1: Reported level of understanding of sustainable procurement

	<b>In-depth knowledge</b>	<b>14%</b>
	<b>Reasonably well informed</b>	<b>58%</b>
	<b>Basic understanding</b>	<b>19%</b>
	<b>Limited understanding</b>	<b>7%</b>
	<b>No understanding</b>	<b>3%</b>



## 2.2 The Procurement Reform (Scotland) Bill

The Procurement Reform (Scotland) Bill was introduced to the Scottish Parliament in October 2013 as a significant element of the continuing Public Procurement Reform Programme. It will establish a national legislative framework for sustainable public procurement, ensuring that procurement spending achieves as much public benefit as possible. The survey findings suggest that, generally, awareness

of the Procurement Reform (Scotland) Bill is high, with full awareness among public sector respondents responsible for procurement and Third Sector engagement, although somewhat less for those holding responsibility for public sector commissioning (86%), governance (85%), or service management (70%).

The detailed implications of the Bill are still emerging. The evidence at this stage indicates that three-quarters (74%) are clear about the implications

of the Bill for promoting the use of CBCs, although there is somewhat less clarity in relation to enabling access to contracts for the third sector, and measuring the associated community benefits.

**Figure 2.2:** Clarity of implications for selected aspects of the Bill

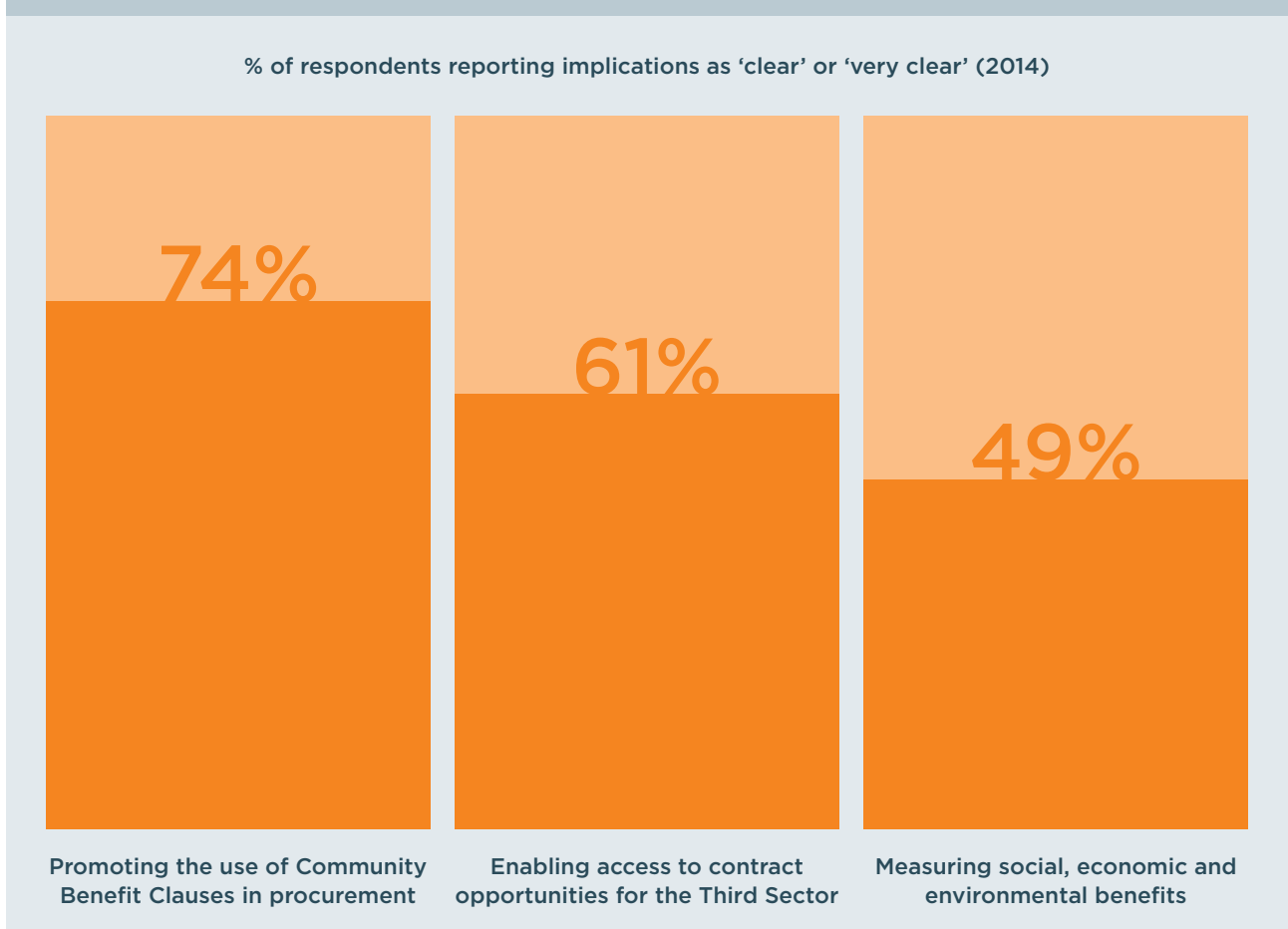
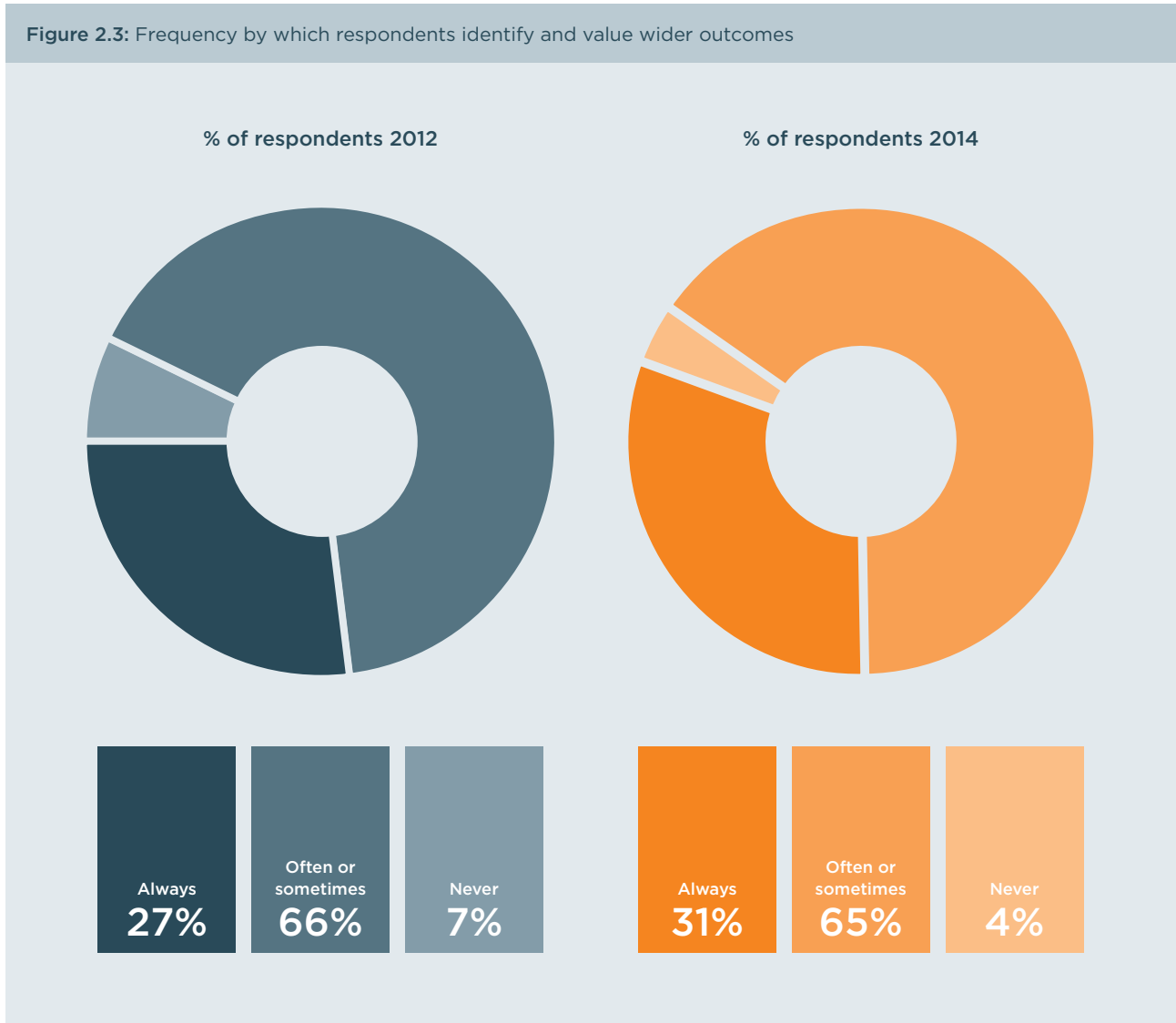




Figure 2.3: Frequency by which respondents identify and value wider outcomes



### 2.3 Defining and Measuring Social Value

Traditionally public sector contracts have focused on paying for inputs and/or outputs (quantified delivery) and have often been criticised for not considering the longer term outcomes, or additional value in the way a service is provided, and who provides it. There

is now a growing interest in securing this ‘social value’.

Although this is a complicated area, there are now more public sector officials identifying and valuing outcomes and doing so more regularly. The survey findings show that the proportion of public sector respondents that ‘always’ identify and value the outcomes relevant

to wider corporate objectives (social value) has gone up (from 27% to 31%) and the proportion who never do so has gone down (from 7% to 4%). However, this cultural shift takes time and it is important consolidate the practice of the two-thirds of respondents (65%) who identify and value outcomes either ‘sometimes’ or ‘often’.

### Section 3

# Involving Third Sector Suppliers

This section examines views on the role of the Third Sector in delivering public contracts and strategies and practices to encourage this.

### 3.1 Understanding of the Third Sector

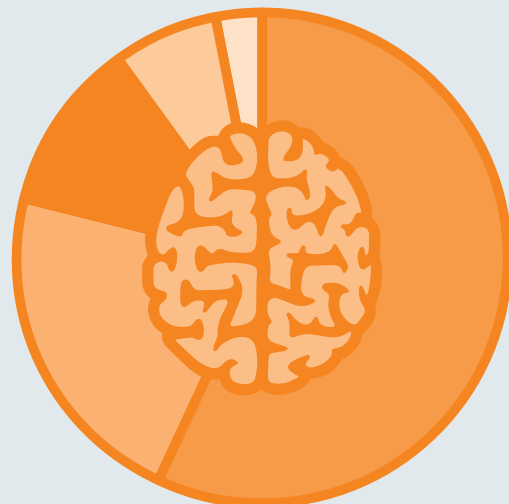
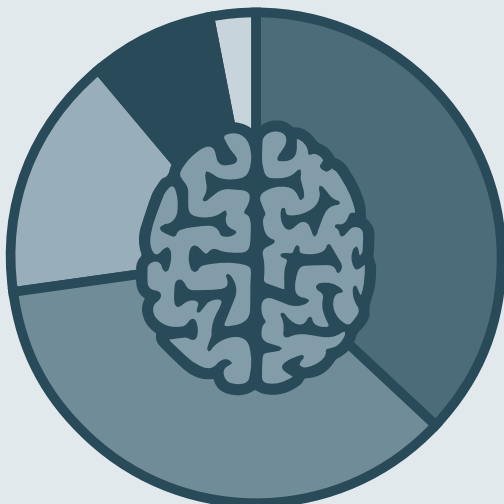
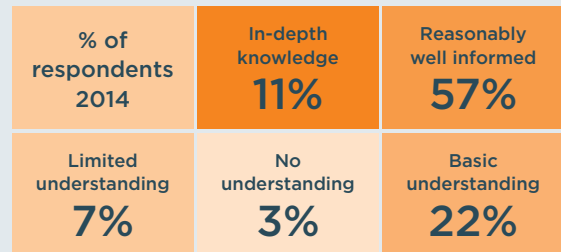
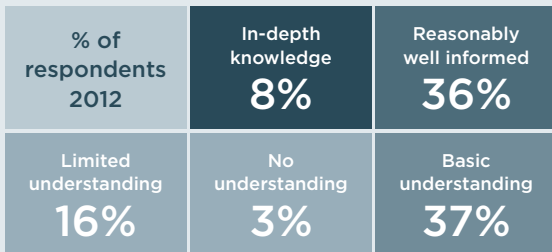
The Third Sector, including social enterprises, has an important role to play in the design and delivery of public services (particularly in relation to preventative areas of spending).

The evidence suggests that there is a growing level of understanding of the Third

Sector among public sector purchasers in Scotland. The survey findings show that the proportion of respondents reporting either an 'in-depth knowledge' or being 'reasonably well informed' about the Third Sector has increased from 44% (2012) to 68% (2014). In total, 90% of public sector respondents now hold at least a basic understanding of the Third Sector.

Holding knowledge about the Third Sector is also perceived to be increasingly important to public sector purchasers. The survey found that most respondents (96%) reported that having an understanding of the Third Sector was relevant to their day-to-day responsibilities, and in nearly half of cases (49%) such understanding was considered 'highly relevant' (compared to 35% in 2012).

Figure 3.1: Reported understanding of the Third Sector



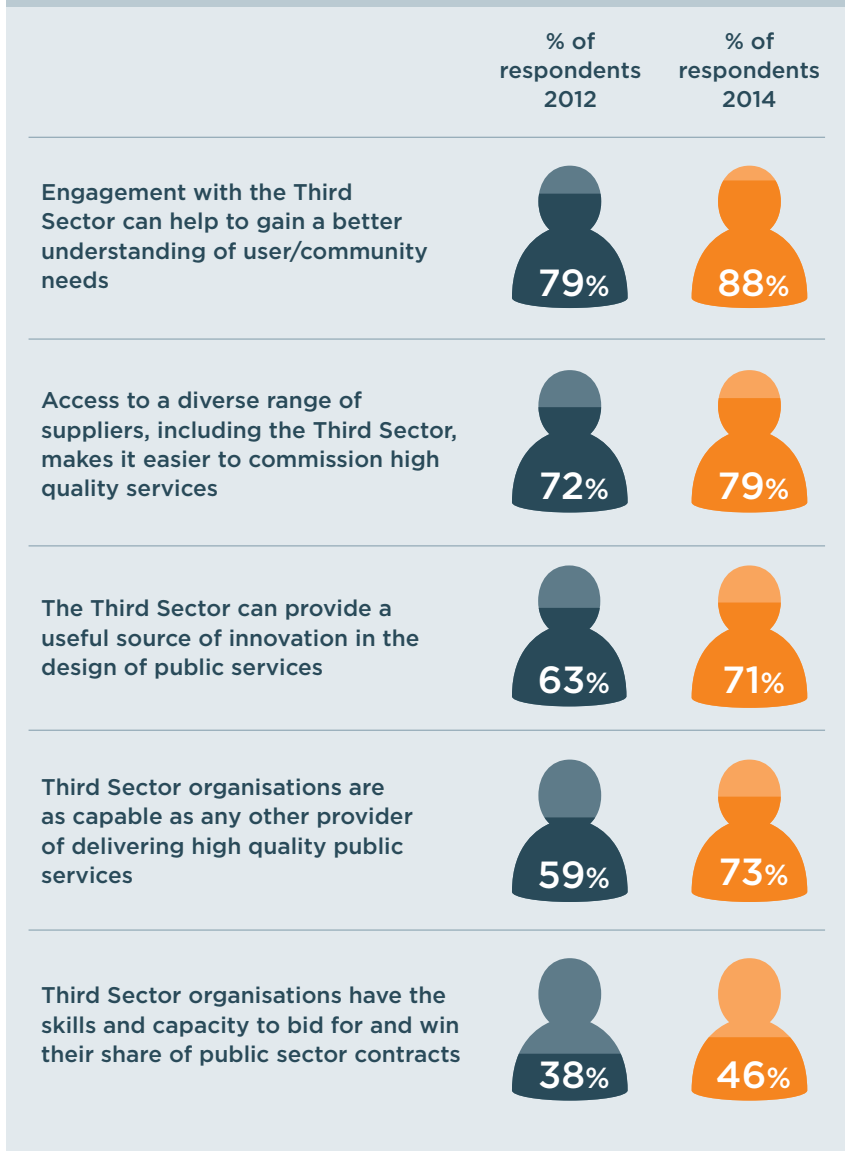
There is also a growing body of public sector experience when it comes to commissioning and contracting with the Third Sector. The survey results show that 74% of respondents had previously contracted directly with a Third Sector organisation (up from 59% in 2012) and 46% had previously contracted with a consortium that involved a Third Sector organisation (up from 28% in 2012).

### 3.2 Views on the Third Sector as Suppliers

The benefits of the Third Sector are widely recognised and enshrined in a range of public sector policies and programmes.

The survey evidence points to increasingly widespread agreement among public sector purchasers that the Third Sector has something positive to offer. As illustrated, there is growing recognition that the sector can help public sector buyers to gain a better understanding of local needs, can provide a useful source of innovation in the design of public services, and therefore make it easier to commission high quality services.

Figure 3.2: Views on the third sector in relation to public contracts



“The Third Sector is vital as it’s based in communities, with local knowledge, is innovative, value for money, and increases choice to vulnerable people.”

Service Commissioner

“An understanding of the Third Sector is crucial to best consider the potential approach to service provision in our area and the alternatives the Third Sector may be able to consider. Equally important is the need for regular dialogue.”

Service Commissioner

However, despite some positive movement in opinion since 2012 there is still substantially less agreement that Third Sector organisations have the skills and capacity to bid for and win their share of public sector contracts. Therefore it is important that there is ongoing focus, both nationally and locally, on supporting the third sector to develop the capacity and capabilities needed to effectively participate in competitive tendering processes.

### 3.3 Strategies for Involving the Third Sector

It is widely recognised that the Third Sector can and should play an important role in the commissioning and delivery of public services; a proactive approach is required on the part of the public sector to enable this.

findings 46% of respondents were able to identify a strategic approach by their organisation to contracting with the Third Sector (up from 28% in 2012).

Strategies to involve the Third Sector are rarely all-encompassing. The feedback points to strategies that are piecemeal, often limited to specific sectors such as health and social care or specific client groups such as homeless people or young carers. Others refer to specific types of contractors, such as targeting of contracts at SMEs and the Third Sector using Lots, or targeting supported businesses e.g. frameworks applying Article 19. Encouragingly, there is evidence of strategies encompassing specific approaches such as co-production with The Third Sector, either formally as part of a PSP process, or as a new way of doing business.

There is still more that can be done to unlock opportunities for the Third Sector. According to the survey findings only half (52%) of respondents reported that their public authority was maximising opportunities for Third Sector organisations to compete for public contracts (although this is up from 47% in 2012). Ways need to be found to enable more strategic, cross-sector collaboration; there is no single 'tool' or approach for doing this. Therefore, commissioners need to continue focus on seeking out innovative

“Approaching the Third Sector in a way that is strategic is difficult as it is so diverse and engagement is more on a category/contract basis, so it rarely happens as well as we would wish as procurement is devolved in many cases or collaborative.”

**Procurement Officer**

ways and means of ensuring such collaboration so that the potential benefits can be maximised.

### 3.4 Involving the Third Sector in Practice

Strategic intent does not always translate into improved organisational practice or results on the ground.

The evidence indicates that active involvement of Third Sector in public sector commissioning is still not the norm. Less than one-in-four respondents have reported full and active engagement of the sector at any point in the commissioning cycle.

There is scope for optimism, however, with some improvements evident in the level of engagement in early stages of the commissioning cycle; in particular, in relation to

“The Council has committed to working cooperatively with the Third Sector on procurement e.g. co-production, support for social enterprises, etc.”

**Service Manager**

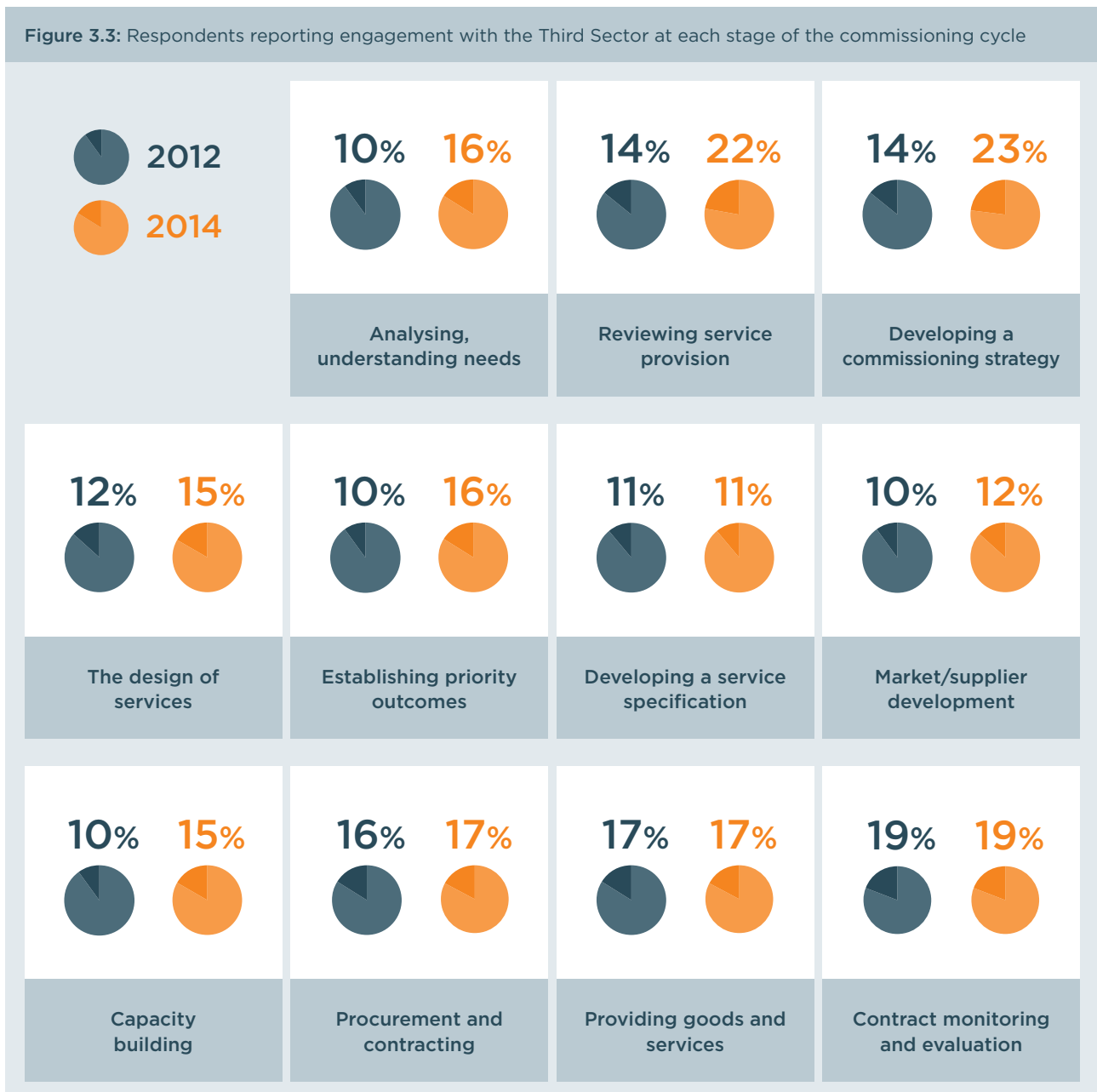
The survey evidence indicates that Scotland's public sector is now more actively promoting the role of Third Sector in public services. According to the survey

active involvement in analysing and understanding needs (from 10% to 16% of respondents citing active engagement), reviewing service provision (from 14% to 22%), and in developing a commissioning strategy (from 14% to 23%).

There remain a range of perceived supply-side barriers to involving the Third Sector, particularly in the latter stages involving procurement processes and actual service delivery. The three main barriers cited by respondents relate to: a lack of

scale/capacity in the sector to deliver (47% of respondents); poor quality tenders from the Third Sector (41%); and difficulties with the Third Sector complying with requirements (39%).

Figure 3.3: Respondents reporting engagement with the Third Sector at each stage of the commissioning cycle

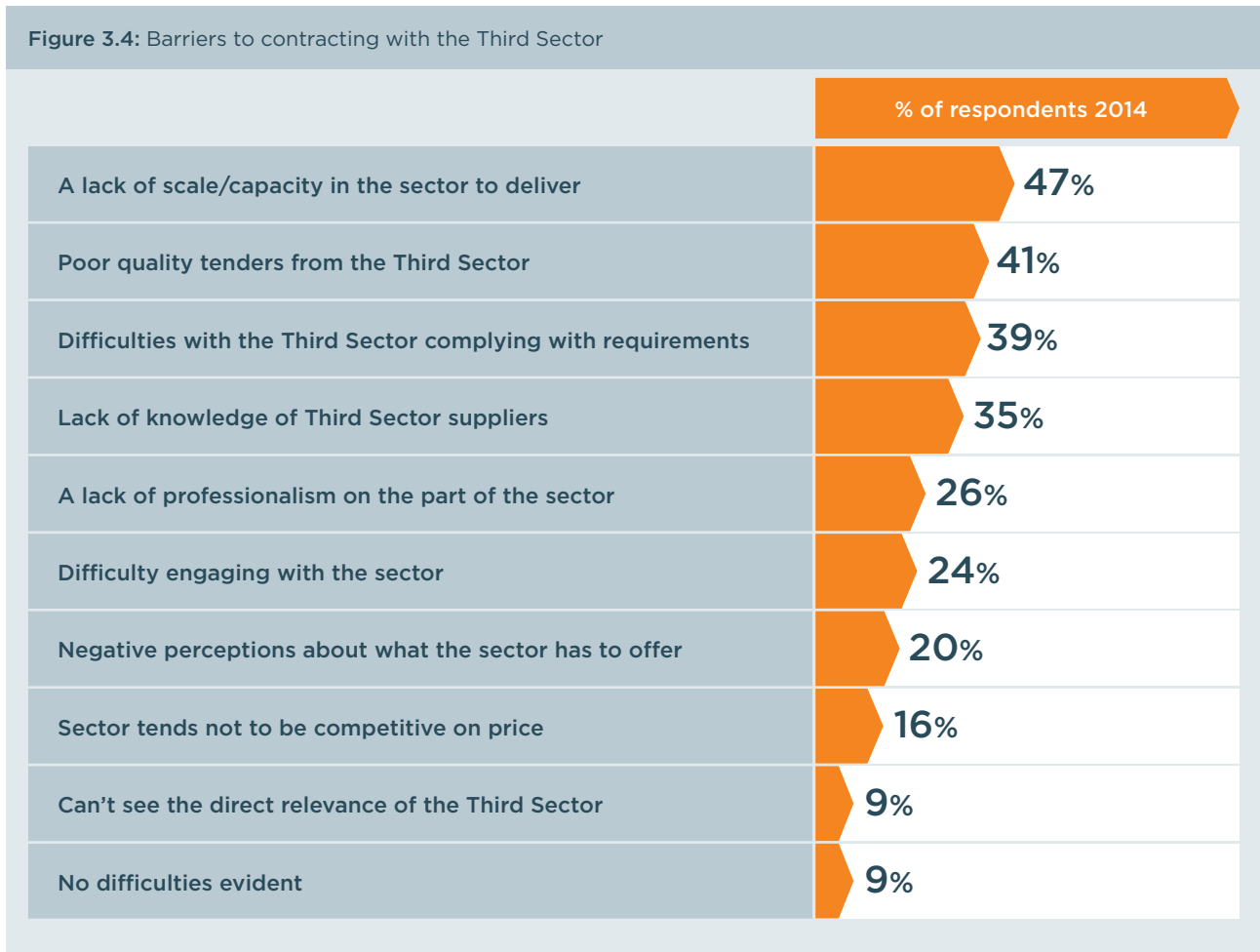


It should be noted, however, that there has been some progress in addressing two key barriers targeted by Ready for Business;

a lack of knowledge of Third Sector suppliers (cited by 42% of respondents in 2012 and 35% in 2014) and difficulty engaging

with the sector (cited by 32% of respondents in 2012 and 24% in 2014).

**Figure 3.4:** Barriers to contracting with the Third Sector



“The sector needs to move towards delivering services on a more robust business footing that includes a realistic approach to costings, systems to support clarity and focus of delivery and robust monitoring and evaluation systems. In my experience, even when these support mechanisms are offered free of charge, they are not embraced nor valued in the way they should be.”

**Procurement Officer**

## Section 4

# Using Community Benefit Clauses

This section examines the awareness and use of Community Benefit Clauses, a recognised way of defining and securing social value within public contracts.

### 4.1 CBC Awareness and Involvement

Community Benefit in Procurement Clauses, commonly referred to as Community Benefit Clauses (CBCs), provide a method of including social and economic matters in contracts for the supply of goods, works or services that do not conventionally have these requirements as defined or measured outcomes.

The evidence indicates that awareness of CBCs continues to grow and deepen. In the latest survey, 99% of respondents indicated some level of understanding of CBCs (up from 93% in 2012), with over half (58%) now 'fully aware' of CBCs (up from 41% in 2012).

There appears to be a growing number of public sector officers championing the use of CBCs. The survey found that 42% of respondents were able to identify a designated Community Benefit Officer or Champion in their organisation. This compares favourably to just over one-third (36%) of respondents in 2012.

The evidence also points to an increasing number of public sector officers involved in applying CBCs. Just under two-thirds of survey respondents (65%) had personally been involved in applying a CBC in the

last 12 months compared to 37% in the 12 months preceding the 2012 survey.

### 4.2 Coverage of CBCs

The use of CBCs has developed considerably over recent years, from a relatively narrow set of contract types (mainly works contracts) and social issues to more widespread coverage.

Some public authorities are now implementing CBCs across their portfolio of contracts. In the most recent survey 12% of respondents reported CBCs being applied by their public authority in all contracts (compared to 8% in 2012).

The 2014 survey results show that the most common application of CBCs remains in contracts relating to building construction, maintenance and supplies (reported in 63% of cases), although CBCs are also evident in contracts relating to Facilities Management, Environmental services, Corporate services, Roads and a number of others areas.

“It is a mandatory requirement [in our authority] to address the consideration of community benefits for contracts with a value of over £50,000.”

Procurement Officer

By contract type it is now encouraging to note that the use of CBCs has moved beyond standard works contracts (used in 63% of contracts) and is commonly used in relation to service contracts (60%). However, further emphasis may be required on encouraging the use CBCS in supplies contracts (19%).












In addition, respondents have reported the use of CBCs in

relation to a number of other contract types, including framework agreements (reported by 40% of respondents), contracts involving Lots (18%), and framework call-offs (16%).

There is still work to be done to encourage the use of supply chain CBCs to create opportunities for SMEs and social enterprises. Only one-quarter (27%) of respondents in the

most recent phase of the survey were able to identify definitively the use of supply chain CBCs in the contracts issued by their public authority. Similarly, one-quarter of respondents were able to identify associated benefits arising for Third Sector organisations, typically from larger construction and environmental works.

Figure 4.1: Areas where CBCs are applied

	% of respondents 2014
 Building construction, maintenance and supplies	63%
 Facilities management	27%
 Environmental services	26%
 Corporate services	21%
 Roads	20%
 Professional services	16%
 Care and Social Work	16%
 Education	11%
 Medical services and supplies	9%
 Vehicles and transport	7%
 Other	6%



### 4.3 Applying CBCs in Procurement

CBCs are being applied with increasing rigour with procedures and systems being introduced to support their implementation.

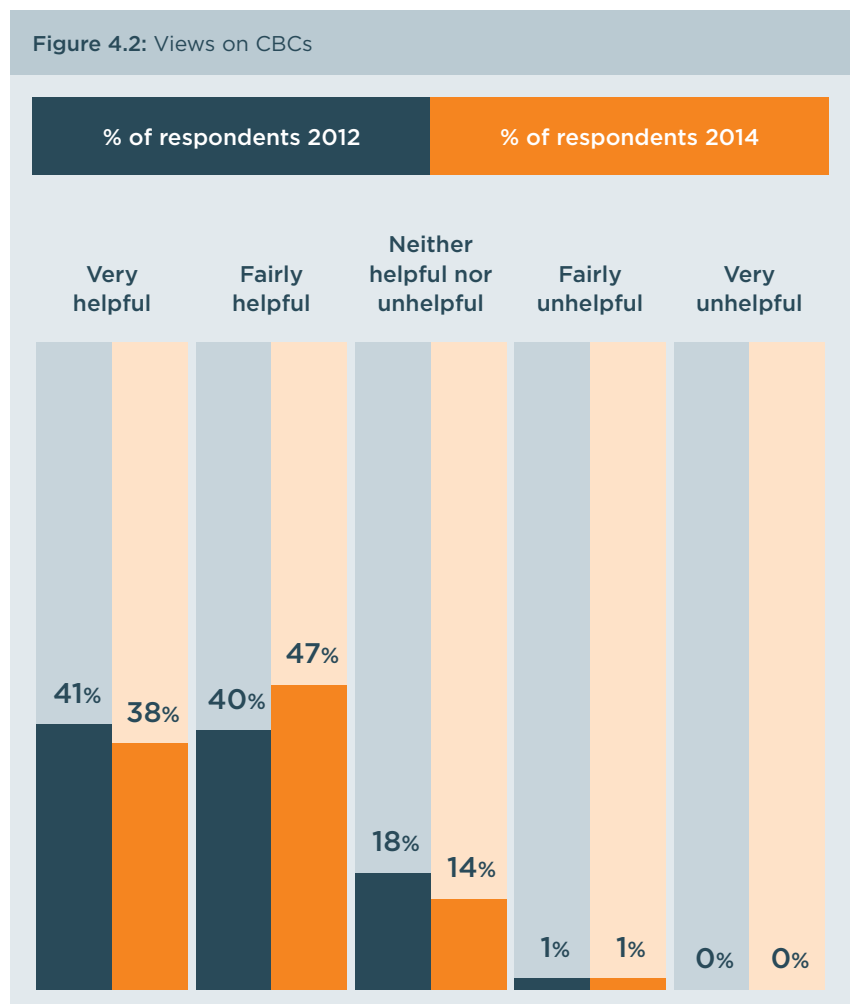
Public authorities now draw on a range of external and internal guidance to support the implementation of CBC and related approaches. Just over half of respondents (54%) reported that their organisation followed guidance produced externally (e.g. Scottish Government, Construction Skills Scotland, Ready for Business), while almost half (47%) also reported in-house policy and guidance and over one-quarter (29%) in-house standing orders to take account of CBC procedures.

The associated social, economic and environmental considerations are now applied in a variety of ways in procurement processes. The survey feedback suggests that such considerations are typically set out as part of the specification, as a set contract requirement, and as scored evaluation criteria. Somewhat

less common was inclusion as a contract requirement capturing unscored bidder proposals.

Public sector views on applying CBCs are generally very positive. The latest survey data shows that 85% of respondents

considered CBCs to be either ‘very’ or ‘fairly’ helpful in building economic or social conditions into public contracts. This is a somewhat more positive view than expressed in 2012 (by 81% of respondents).



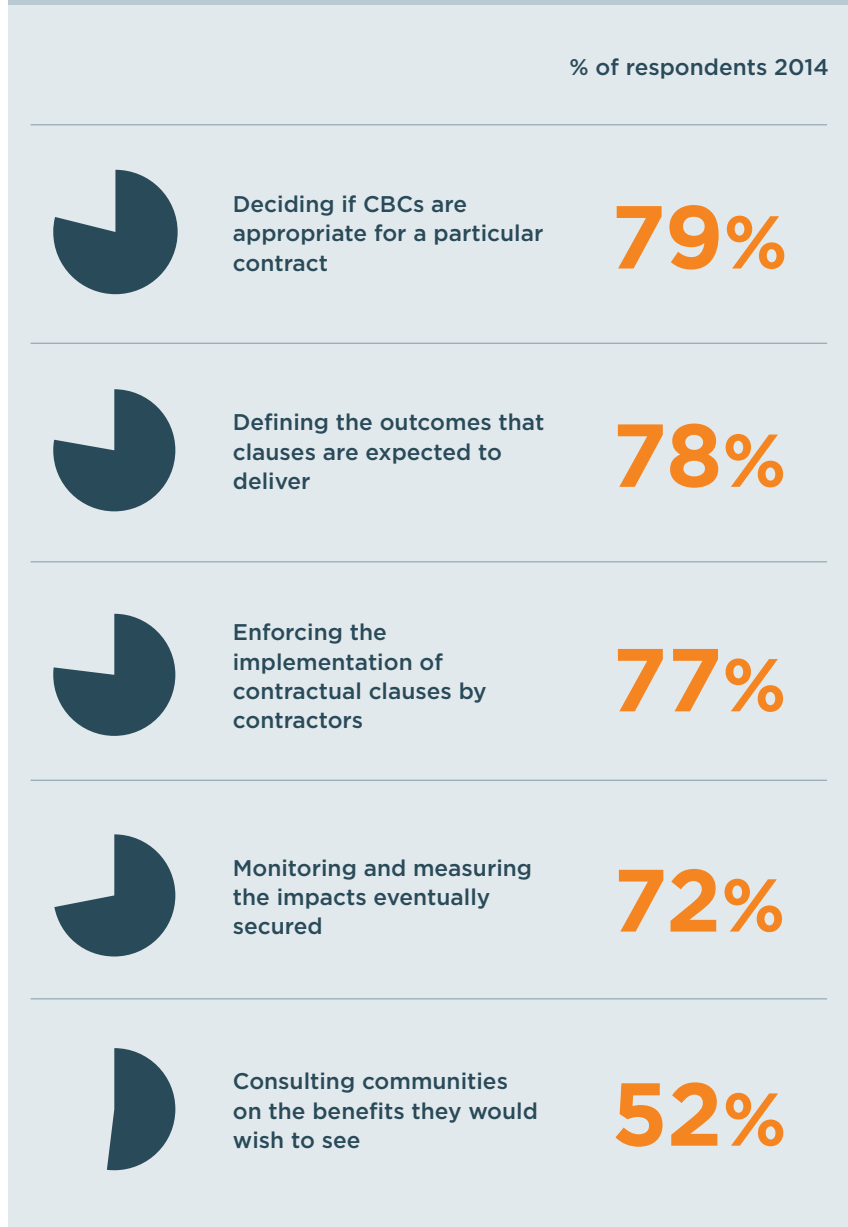
“We have found that most suppliers are very positive towards CBCs and therefore including these as part of the tender process has increased the number of benefits to the community such as employment opportunities or education events at schools.”

**Procurement Officer**

However, it is sometimes challenging to apply CBCs in procurement processes. Of the respondents able to comment, 37% considered it 'easy' or 'very easy' to implement CBCs. However, 48% considered CBCs 'difficult' to implement and a further 15% 'very difficult'. This highlights the importance of ongoing guidance and support until processes become fully embedded.

There is also further work to be done in strengthening the systems required to implement CBCs effectively. In most cases respondents felt that such systems were in place, for 'deciding if CBCs are appropriate for a particular contract', 'defining the outcomes that clauses are expected to deliver', 'enforcing the implementation of contractual clauses by contractors', and 'monitoring and measuring the impacts eventually secured'. Although further progress might be made in each of these areas particular attention is required in finding better ways to 'consult with communities on the benefits they would wish to see'; this goes to the heart of creating social value from public procurement.

**Figure 4.3:** Respondents reporting a workable system in place for selected aspects of implementing CBCs



“The procedures relating to, and application of Community Benefit Clauses are, evidently, still undergoing development and are subject to differing perceptions and approach.”

**Procurement Officer**

## Section 5

# Engaging in Public Social Partnerships

This section examines views and experiences relating to Public Social Partnerships, a practical expression of the ambitions of public service commissioners and purchasers to collaborate with the Third Sector.

### 5.1 Awareness of PSPs

Public Social Partnerships (PSPs) are strategic partnering arrangements, based on a co-planning approach, through which the public sector can connect with Third Sector organisations to share responsibility for designing services based around user needs. Once designed and trialled, such services can then be commissioned for the longer term through a competitive tendering process.

The evidence indicates that awareness of PSPs within the public sector in Scotland has grown and deepened over the last two years. More than three-quarters of survey respondents (79%) now report some level of awareness of PSPs, with 28% fully aware (up from 16% in 2012).

It is encouraging that a growing number of public authorities are now adopting PSPs as a tool for implementing a strategy of co-producing public services. For example, in the most recent wave of the survey 46% of respondents indicated that their organisation encourages investigation of possible PSPs as part of its approach to the design or redesign of services (up from 27% two years earlier).

Nonetheless, there is still much

Figure 5.1: Reported awareness of PSPs

	% of respondents 2012	% of respondents 2014
Yes, fully	16%	28%
Yes, to an extent	52%	51%
Not at all	32%	21%

work to do to raise awareness and embed PSPs as routine practice within public authorities, given that over one-third of

respondents (36%) are still unclear if their organisation encourages investigation of PSP options.

“Informed commissioning requires the views of all stakeholders, especially in such dynamic and changing times. The PSP approach facilitates co-design and co-production of services, thus making full use of commissioners, providers and service users and a range of other relevant stakeholders.”

Service Commissioner

## 5.2 PSPs in Practice

At this stage, the evidence suggests that a modest proportion of the public sector buying community in Scotland are actively involved in PSP projects. The survey findings show that one-in-seven respondents (15%) have personally participated in a PSP in the last 12 months. This, however, can be regarded as reasonably positive progress given that the PSP model has only been fully introduced and piloted over recent years.

Based on the limited participation in projects to date it appears that on balance the PSP approach is relatively straightforward to implement. A majority of respondents have reported it either 'easy' (54%) or 'very easy' (8%) to use, although the remaining two-in-five respondents reporting some level of difficulty.

The difficulties noted relate to the internal buy-in and understanding of the process, the adequacy of resources to implement the model, and the effectiveness of Third Sector involvement.

Figure 5.2: Participation in PSP projects in the last 12 months

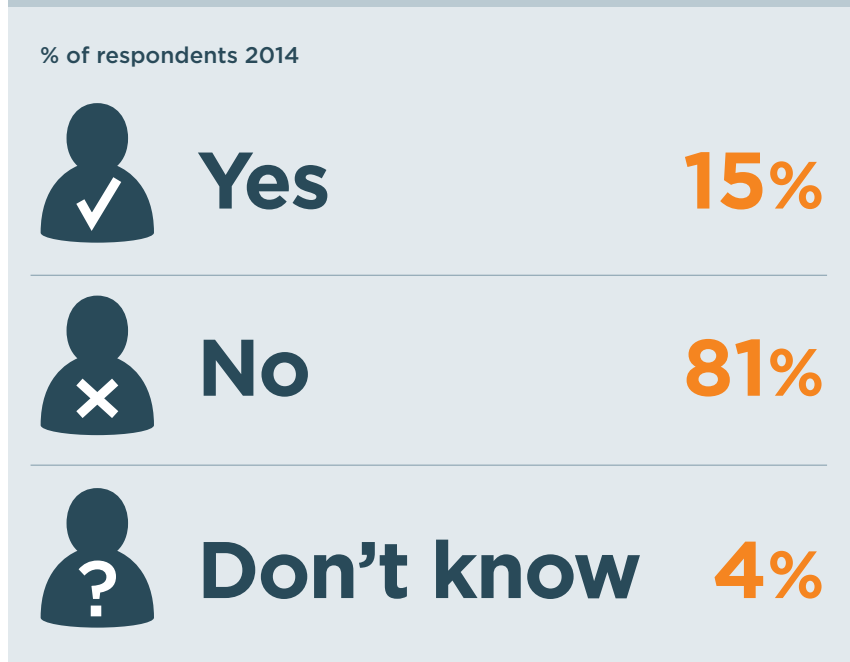
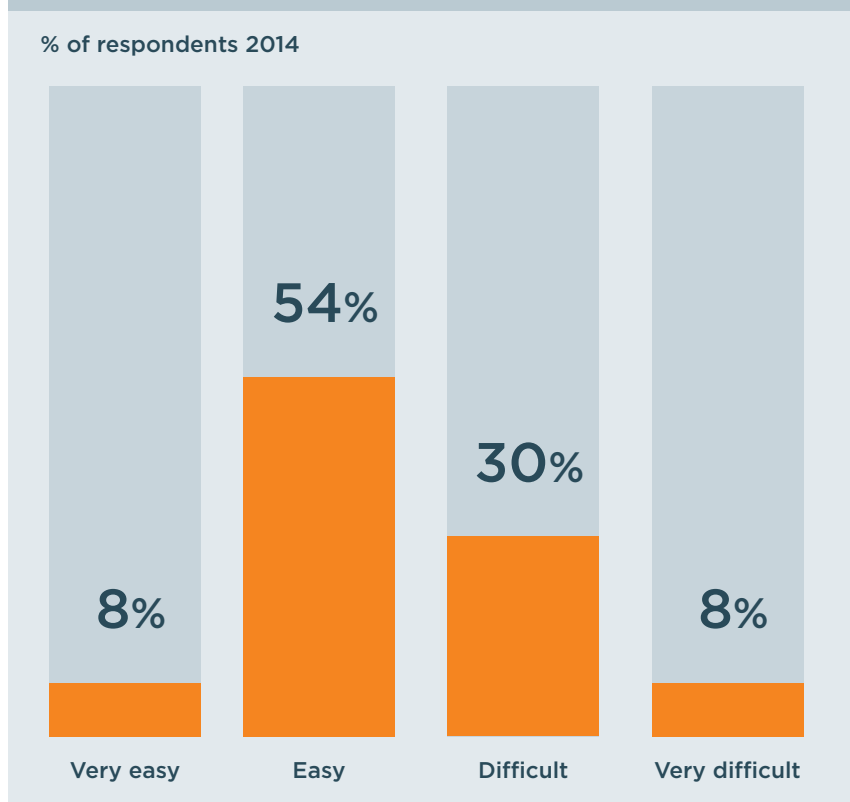


Figure 5.3: Reported ease of use of the PSP approach

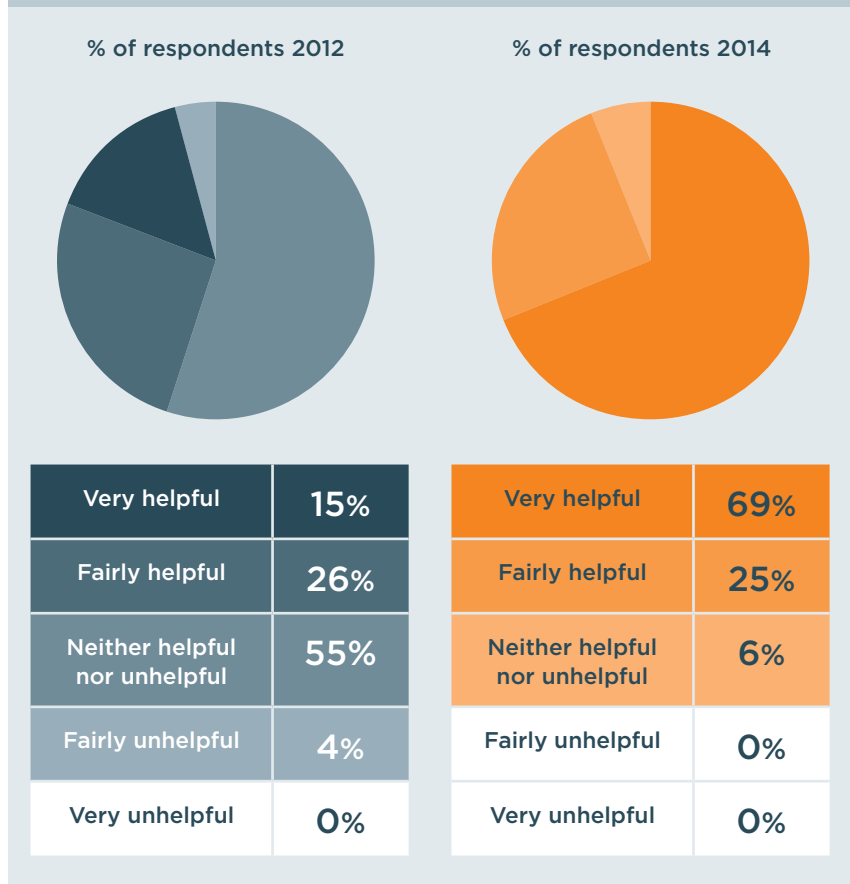


### 5.3 Satisfaction with PSPs

While acknowledging that the development of a PSP may be difficult at times, the process can lead to the development and delivery of a better service.

In general terms, public sector officials have now been convinced of the value of PSPs. In total, 94% of respondents in the 2014 survey reported PSPs as either ‘fairly’ or ‘very’ helpful, with the proportion finding it ‘very helpful’ having risen from 15% to 69% between surveys. The proportion holding no strong view (‘neither helpful nor unhelpful’) has reduced from 55% to 6% over the period.

Figure 5.4: Extent to which PSPs are regarded as helpful



“It enables a more creative approach to engaging with partners and offers the potential to co-produce a range of meaningful outcomes.”

Service Commissioner

“We find the PSP approach particularly helpful at a time of significant change to allow us to be better informed when moving to a final tender process - or indeed to make an informed decision not to tender.”

Service Commissioner

## Section 6

# Conclusions and Next Steps

This section draws out some of the main messages from the study and describes the support now put in place to address the issues raised.

### 6.1 Main Messages

This study set out to provide an updated snapshot of the approach by public sector commissioners and procurement staff in Scotland to embedding social value in procurement and in deepening their engagement with the Third Sector. It has compared the situation in 2014 with that evident two years earlier.

The main findings outlined in the report are as follows:

- The public sector buying community are now increasingly knowledgeable about issues relating to sustainable procurement and somewhat more practiced in defining and measuring the social outcomes achieved through buying decisions. With continuing support, it will be important to consolidate these trends as the implications of the Procurement Reform (Scotland) Bill take hold.
- There is a high degree of recognition of the important role that Third Sector organisations can play in delivering public contracts, and a strong commitment to enabling this. However, the findings suggest that more needs to be done to fully involve the Third

Sector throughout the commissioning cycle and to address perceived supply-side constraints.

- There is a high level of awareness of, and growing level of engagement in, the use of Community Benefit Clauses (CBCs) as a way of defining and securing social value within public contracts. The survey findings suggest that the challenge now is to support the continued extension of these social clauses (e.g. the use of supply chain CBCs) and to ensure that workable systems are in place to support their implementation (e.g. consulting on the benefits that communities wish to see).
- There is a growing level of interest in, and understanding of, Public Social Partnerships (PSPs) as a way of involving the Third Sector in public service design and delivery. Despite a generally very positive view of the concept, there is more that can be done to embed them fully in public sector corporate policy and to widen the associated base of expertise in their implementation.

Overall the findings have outlined some very positive recent shifts in the culture, policy and practice relating to sustainable procurement and the role of the Third Sector; in part due to the targeted work of the Developing Markets for Third Sector Providers programme.

### 6.2 Next Steps in the Developing Markets for Third Sector Providers Programme

This study coincides with the completion of the first phase of the Developing Markets for Third Sector Providers Programme and will enable the continuation programme (2014-16) to build on the positive progress to date.

In a period that will be framed by the implementation of the Procurement Reform (Scotland) Act and introduction of a refreshed Third Sector strategy, the Developing Markets for Third Sector Providers Programme will focus on:

- Events, Communication and Engagement, including the Partners for Change programme, which will engage directly with commissioning and procurement communities and provide opportunities for the public and third sectors to: enhance cross-

sector communication and relationships; develop opportunities for joint commissioning; and build a greater confidence in working together;

- A workshop and upskilling programme, which will target key public sector decision-makers to facilitate further adoption and routine use of PSPs, CBCs and social and economic impact measures in procurement; and
- Consultancy provided to PSPs to define an approach and toolkit supporting outcome-focussed delivery models that are repeatable with minimal intervention, while providing advice on the measurement of social and economic impact and the extension of CBCs into new service areas.

Underpinning this programme is a focus on effective knowledge transfer and learning. Sustainable change within the public sector needs people, organisations and regions to share experiences and innovations. This will be supported by dissemination of case studies, lessons learned guides and additional templates to provide real-life examples of public/third sector engagement, PSP development, CBC use and social and economic impact measurement that will encourage others to take a similar journey.

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#### **Further information and support**

To obtain further information about the Developing Markets for Third Sector Providers programme please use the following contact details:

**Contact: Roddy Stewart**

**Tel: 0141 425 2940**

**Email: [Roddy@readyforbusiness.org](mailto:Roddy@readyforbusiness.org)**

**Web: [www.readyforbusiness.org](http://www.readyforbusiness.org)**







[www.readyforbusiness.org](http://www.readyforbusiness.org)

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